

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

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COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

November 11, 2008

**RBS** Sempra  
Commodities  
**ORIGINAL**

**Sempra Energy Solutions LLC**

1901 Butterfield Road

Suite 304

Downers Grove, IL 60515

Telephone: 630 390 2700

Facsimile: 630 390 2750

[www.rbssempra.com/solutions](http://www.rbssempra.com/solutions)

Elizabeth Rolando  
Chief Clerk's Office  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62701

VIA OVERNIGHT MAIL DELIVERY

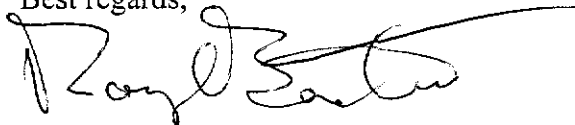
Re: Payment Bond Filed in Compliance with Section 451.220a(3)A) in  
**Docket No. 08-0571**

Dear Ms. Rolando :

Please find enclosed the original Payment Bond in compliance with  
Section 451.220a(3)A) of the Illinois Administrative Code, for Docket No.  
08-0571, Sempra Energy Solutions LLC Application for and ARES license.

If I may be of service in any way, please contact me at (630) 390-  
2715.

Best regards,



Roy Boston  
Strategic Planning & Policy Manager – East  
Sempra Energy Solutions LLC

enclosure

## Payment Bond

**WITNESSETH:** This Surety Bond is given by Sempra Energy Solutions LLC of 401 W A Street Suite 500, San Diego, CA 92101 as Principal, and Fidelity and Deposit Company of Maryland, of 3910 Keswick Road, Baltimore, MD 21211, as Surety, as jointly and severally bound unto (SEE ATTACHED OBLIGEE LIST), as Obligee, in the amount of Nine Million, Four Hundred Fifty Thousand and 00/100ths Dollars (\$9,450,000.00 ) for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors, assigns or other legal representatives.

**WHEREAS,** the Principal, has filed an application with the Illinois Commerce Commission for a certificate to operate as an alternative retail electric supplier ("ARES") in the State of Illinois as provided by the Illinois Public Utilities Act ("Act") and the applicable rules of the Illinois Commerce Commission, including IL ADM. CODE 451.220 a)3)A).

**WHEREAS,** the Principal, as a condition for obtaining a certificate to operate as an ARES in the State of Illinois, has agreed to cover its obligations to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois, for sale or lease or in exchange for other value through the provision of this Payment Bond.

**NOW, THEREFORE,** the condition of this obligation is such that if the Principal shall fulfill its contractual obligations to unaffiliated companies arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois then this obligation shall be null and void with respect to and to the extent of such amounts that are timely paid; otherwise, this obligation shall remain in full force and effect.

This bond is subject to the following conditions:

1. The term of this bond shall be continuous beginning 11/1/2008 and expire 10/31/2009. This bond can be cancelled by Surety providing the Obligee not less than thirty (30) days written notice of cancellation mailed to the Attn: Chief Clerks Office, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701.
2. Obligee shall apply any amounts paid on this bond against the amounts Principal's retail suppliers are owed by the Principal, in accordance with an Order of the Illinois Commerce Commission or a court of competent jurisdiction that finds Principal owes such amounts to Principal's suppliers.
3. Regardless the number of years this Bond is in force, the liability of the Surety by virtue of this obligation will be not more than \$9,450,000.00. In no event shall the bond amount be cumulative from year to year, or exceed the amount so stated above, or as amended by rider.
4. This bond is binding on Surety and its heirs, executors, administrators, successors, assigns, or other legal representatives.

Bond No.: LPM8952424

In witness therefore, said Principal and said Surety have caused these presents to be duly signed and sealed this 1st day of November, 2008.

**Sempra Energy Solutions LLC**

By:

~~Fidelity and Deposit Company of Maryland~~

By:

Stacy Rivera,

, Attorney-in-Fact

**OBLIGEE LIST**

Sempra Energy Solutions LLC  
Payment Bond Pursuant to Illinois Administrative Code 451.220 a)3)A)  
Suppliers as of October 31<sup>st</sup>, 2008

1. Exelon Power Team  
300 Exelon Way  
Kennett Square, PA 19348
2. Morgan Stanley & Co.  
2000 Westchester Avenue  
Purchase, NY 10577
3. American Electric Power  
155 W Nationwide Blvd, Suite 500  
Columbus, OH 43215
4. Florida Power and Light  
700 Universe Blvd  
Juno Beach, FL 33408
5. Constellation Energy Commodities Group  
111 Market Place  
Suite 500  
Baltimore, MD 21202
6. Any other unaffiliated supplier to whom Sempra Energy Solutions LLC is contractually obligated arising from the acquisition of electric energy that can be delivered to retail customers in the State of Illinois and which has been added as a supplier to Sempra Energy Solutions LLC subsequent to the date of this Obligor List.

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute and appoint **Jeannette PORRINI and Stacy RIVERA, both of Farmington, Connecticut, EACH as true and lawful agent and Attorney-in-Fact,** to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company, its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Jeannette PORRINI, Sara GLOGOWER, Dawn M. GODFREY, dated August 22, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 6th day of August, A.D. 2004.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*Gregory E. Murray*

Gregory E. Murray Assistant Secretary

*Theodore G. Martinez*

By:

Theodore G. Martinez

State of Maryland } ss:  
City of Baltimore }

On this 6th day of August, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

Dennis R. Hayden

Notary Public

My Commission Expires: February 1, 2009

## EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

## EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

## CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 15<sup>th</sup> day of November, 2008.

*Gerald F. Haley*

Assistant Secretary



# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND  
3910 KESWICK ROAD, BALTIMORE, MD 21211-2226

## Statement of Financial Condition As Of December 31, 2007

### ASSETS

Bonds .....	\$ 152,119,394
Stocks .....	43,598,075
Cash and Short Term Investments .....	58,417,758
Reinsurance Recoverable .....	20,969,268
Other Accounts Receivable .....	40,255,904
TOTAL ADMITTED ASSETS .....	<u>\$ 315,360,399</u>

### LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 875,904
Ceded Reinsurance Premiums Payable .....	70,455,734
Securities Lending Collateral Liability .....	43,430,120
TOTAL LIABILITIES .....	<u>\$ 114,761,758</u>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	195,598,641
Surplus as regards Policyholders .....	200,598,641
TOTAL .....	<u>\$ 315,360,399</u>

Securities carried at \$34,597,845 in the above statement are deposited as required by law.

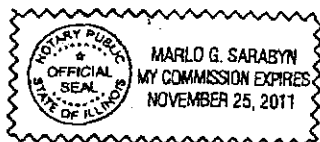
Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2007 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$315,825,091 and surplus as regards policyholders \$201,063,333.

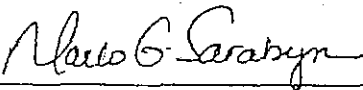
I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2007.

  
\_\_\_\_\_  
Corporate Secretary

State of Illinois }  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 14th day of March, 2008.



  
\_\_\_\_\_  
Notary Public